REMARKS

Claims 1, 12, 15, 26, 36, and 46 are amended. Claims 1-5, 7-12, 14-19, 21-29, 31-39, 41-49, and 51-61 are now pending. Each issue raised in the Office Action mailed March 18, 2008 is addressed hereinafter, in order of appearance.

Claims 1-7, 10-14, 26-31, 34-41, 44-51, 54, and 55 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over Chang in view of Moriarty (Office Action, Page 3-12, Sections 5-53). These rejections are respectfully traversed.

Claim 1, as well as numerous others, recites, inter alia, use of an activity announcement packet. The claimed activity announcement packet is not disclosed or suggested in Chang or Moriarty. Moriarty's performance measurement packet is not related to activity announcements, and is instead directed to distance measurement and security metrics (Moriarty; col. 8, lines 1-14).

When applicant's disclosure is considered as a whole, the claimed activity announcement packet is clearly different than the performance measurement packet of Moriarty. Applicant's specification at paragraph [0066] states that the processes of sending and receiving activity announcement packets provide a method of monitoring network resource availability that is scalable in several ways. First, because the activity announcement packets are sent only in one direction in the network, and no response is needed, far less network traffic is generated, reducing the traffic burden on intervening links and nodes. As recited in the amended claims, the determining and detecting steps of the independent claims can be performed fully without requiring a response.

Second, only the nodes that are monitored send activity announcement packets; therefore, there is no need to configure the designated node or head end facility router with polling information for every node in the network. Third, because the index of nodes or connections in

the network is built automatically and updated as activity announcement packets from the nodes are received, there is no need to know the addresses for all nodes in advance.

In sharp contrast, Moriarty's performance measurement packets cannot function without a response packet being returned (Moriarty FIGS. 2 and 3). Accordingly, Moriarty contradicts a specific claimed feature and is thus not comparable. Additionally, all of Chang's nodes send heartbeat messages, while only those of Applicant's nodes which are being monitored send activity announcement packets. Applicant could have selected the term "performance measurement packet," as the concept of performance measurement in networks is well known, but elected a different term that plainly has a different meaning when properly interpreted in light of the specification.

Further, adapting Chang's messages to be in the format of Moriarty's performance measurement packets may render Chang inoperative for its intended purpose. Moriarty's performance measurement packets are sent to border devices (FIGS. 1 and 4), while Chang's heart-beat and death-messages are preferably sent in a ring-like topology (paragraph [0062]). Moriarty's performance measurement packets hold information on source and destination addresses (Moriarty, FIG. 2), which would be of no value to Chang, which sends its various messages only to upstream and downstream neighbors (Chang, paragraph [0062]). Thus, adapting Chang to have the features of Moriarty would have no utility or render the combination of references inoperative, and would not suggest any of Applicant's claims.

For at least the above reasons, the rejections of Claims 1-7, 10-14, 26-31, 34-41, 44-51, 54, and 55, as well as the rejections of all claims dependent therefrom, are unsupported and should be withdrawn.

Additionally, Claim 61 combines the subject matter of Claims 1 (as originally presented) and 7. Claim 61 recites, inter alia, "tracking nodes from which activity announcement packets

have been received by an index comprising address and connection status information for each such node". This feature is not shown within Chang or any combination of prior art.

The portion of Chang (paragraphs [0074] and [0075]) cited by the Office Action at page 5, section 14 to anticipate this feature (from Claim 7) is silent as to address and connection status information for nodes. Instead, these sections discuss point-to-point communications between Mayor Nodes, various network topologies, and sending a message point-to-point. However, no information about how these messages are sent point-to-point is disclosed by Chang, and certainly no type of address is disclosed or even suggested.

Applicant notes that the Office Action relied upon Chang not Moriarty in rejecting the claimed "tracking nodes from which activity announcement packets have been received by an index comprising address and connection status information for each such node". However, as a further illustration of the inapplicability of the prior art applied therein, although Moriarty's performance measurement packets contain addresses (FIG. 2), these addresses are not stored in an index, and are not in any way related to connection status information. Moriarty also does not disclose any type of index. Moriarty's performance measurement packets are not comparable to the claimed activity announcement packets; therefore, Moriarty's address is not comparable to Applicant's.

Returning to the Chang reference, Chang also does not disclose any information about connection status of nodes, nor is any information stored in an index, as claimed. Indeed, the entire Chang reference does not disclose the word "index" whatsoever, or any synonym.

For at least the above reasons, the rejections of Claims 7 and 61 are unsupported and should be withdrawn.

The Examiner is respectfully requested to contact the undersigned by e-mail or telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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